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Express Mail Label No. **EV 326 991 629 US**

Attorney Docket No. 37167-8043.US00 (13724-853)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Morris *et al.*

APPLICATION No.: 09/938,276

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT APPARATUS AND METHOD**

EXAMINER: Rollins, R.

ART UNIT: 3739

CONF. NO: 1933

**Transmittal**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith are the following:
  - ☒ An Amendment under C.F. R. § 1.116 (After Final)
  - ☒ A Notice of Appeal
  - ☒ A check in the amount of \$250 covering fee due.
2. Entity Status
  - ☒ Small Entity Status (37 CFR 1.9 and 1.27) is proper for this case.
3. Conditional Petition for Extension of Time:

An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.
4. Provisional Fee Authorization

Please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

Respectfully submitted,  
Perkins Coie LLP

*Jacqueline F Mahoney*  
Jacqueline F. Mahoney  
Registration No. 48,390

Date: Sept. 15, 2005

**Correspondence Address:**  
Customer No. 22918  
(650) 838-4410



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EXAMINER: Rollins, R.

ART UNIT: 3739

CONF. No.: 1933

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals from the decision of the Examiner dated June 15, 2005, rejecting claims 1-9 and 20. The items checked below are appropriate:

☒ Fee for Notice of Appeal (37 CFR §1.17(b))

☒ Small Entity: \$250.00

☐ Petition for Extension of Time. Applicant hereby petitions for a \*-Month Extension of Time, to extend the period for response to \*.

Extension Fee (37 CFR §1.17(a)(1)-(a)(5)):

☐ Other Than Small Entity:

☐ \$120.00    ☐ \$450.00    ☐ \$1020.00    ☐ \$1590.00    ☐ \$2160.00

☐ Small Entity:

☐ \$60.00    ☐ \$225.00    ☐ \$510.00    ☐ \$795.00    ☐ \$1080.00

☒ Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Notice of Appeal.

☒ Fee Payment

☒ Enclosed is a check in the amount of \$250.00 covering the fee due.

☒ Please charge any underpayment or credit any overpayment in fees for timely filing of this paper to Deposit Account No. 50-2207.

Respectfully submitted,  
Perkins Coie LLP

*Jacqueline F. Mahoney*  
Jacqueline F. Mahoney  
Registration No. 48,390

Date: Sept. 15, 2005

**Correspondence Address:**

Customer No. 22918

Phone: (650) 838-4410

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Morris, *et al.*

SERIAL No.: 09/938,276

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT  
APPARATUS AND METHOD**

EXAMINER: Rollins

ART UNIT: 3739

CONFIRMATION No.: 1933

**Amendment Under 37 C.F.R. §1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office action dated June 15, 2005 in the above-identified application, please amend the above-identified application as follows.

Amendments begin on page 2.

Remarks/Arguments begin on page 8 of this paper.